# ALTA / ACSM LAND TITLE SURVEY

PART OF THE SOUTHEAST QUARTER OF SECTION 35, T. 2 N., R. 68 W., 6TH P.M., TOWN OF FREDERICK, COUNTY OF WELD, STATE OF COLORADO

SHEET 1 OF 2

## LEGAL DESCRIPTION - PER TITLE COMMITMENT

NOTE: THE FOLLOWING LEGAL DESCRIPTION IS PRELIMINARY AND IS SUBJECT TO CHANGE UPON COMPLIANCE WITH THE REQUIREMENTS UNDER SCHEDULE B-I, HEREIN.

ALL OF SECTION 35, TOWNSHIP 2 NORTH, RANGE 68 WEST OF THE 6TH PM, COUNTY OF WELD, STATE OF COLORADO, EXCEPTING THEREFROM THE FOLLOWING: BOOK 1552 AT PAGE 68 AND 69, RECEPTION 

§ 1599685, BOOK 1024 AT PAGE 111, BOOK 872 AT PAGE 211 AND BOOK 1028 AT PAGE 372 AND THAT PORTION TAKEN BY RULE AND ORDER BY DEPARTMENT OF TRANSPORTATION, STATE OF COLORADO, RECORDED DECEMBER 19, 2003 AT RECEPTION NO. 3137131

# LEGAL DESCRIPTION - AS SURVEYED

A PARCEL OF LAND BEING A PART OF THE SOUTHEAST QUARTER OF SECTION 35, TOWNSHIP 2 NORTH, RANGE 68 WEST OF THE SIXTH PRINCIPAL MERIDIAN, TOWN OF FREDERICK, COUNTY OF WELD, STATE OF COLORADO, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF SAID SECTION 35 AND CONSIDERING THE EAST LINE OF THE SOUTHEAST QUARTER OF SAID SECTION 35 TO BEAR NORTH 00"29"42" EAST WITH ALL BEARINGS CONTAINED HEREIN BEING RELATIVE THERETO, THENCE NORTH 00"29"42" EAST, ALONG SAID EAST LINE, A DISTANCE OF 173.50 FEET TO A POINT ON THE

BOUNDARY OF EMPLOYMENT (E) PARCEL 1 AS DESCRIBED IN THE ZONING AMENDMENT MAP RECORDED UNDER RECEPTION NO. 3349255 OF THE RECORDS OF THE WELD COUNTY CLERK AND RECORDER, SAID POINT ALSO BEING A POINT ON THE NORTHERLY RIGHT-OF-WAY LINE OF COLORADO STATE HIGHWAY NO. 52, SAID POINT ALSO BEING THE POINT OF BEGINNING;

THENCE ALONG THE BOUNDARY OF SAID EMPLOYMENT (E) PARCEL 1 AND ALONG SAID NORTHERLY RIGHT-OF-WAY LINE THE FOLLOWING FOUR (4) COURSES:

- 1) THENCE NORTH 89'30'18" WEST, A DISTANCE OF 25.70 FEET;
  2) THENCE SOUTH 44'42'13" WEST, A DISTANCE OF 141.90 FEET;
  3) THENCE SOUTH 89'42'50" WEST, A DISTANCE OF 1708.98 FEET;
  4) THENCE SOUTH 89'32'12" WEST, A DISTANCE OF 780.35 FEET TO A POINT ON THE WEST LINE OF THE SOUTHEAST QUARTER OF SAID SECTION 35;

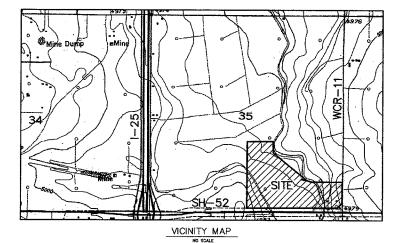
THENCE NORTH 00°20°12" EAST, ALONG SAID WEST LINE, A DISTANCE OF 1805.56 FEET;
THENCE NORTH 89°41°34" EAST, PARALLEL WITH THE SOUTH LINE OF THE SOUTHEAST QUARTER OF SAID SECTION
35, A DISTANCE OF 702.36 FEET TO A POINT ON THE BOUNDARY OF SAID EMPLOYMENT (E) PARCEL 1;
THENCE ALONG THE BOUNDARY OF SAID EMPLOYMENT (E) PARCEL 1 THE FOLLOWING FIVE (5) COURSES:

- 1) THENCE SOUTH 0217'22" EAST, A DISTANCE OF 307.48 FEET;
  2) THENCE SOUTH 50'59'58" EAST, A DISTANCE OF 191.94 FEET TO A POINT OF CURVATURE;
  3) THENCE ALONG THE ARC OF A CURVE TO THE LEFT HAWING A CENTRAL ANGLE OF 38'30'20", A RADIUS OF 150.00 FEET, AND AN ARC LENGTH OF 100.81 FEET;
  4) THENCE SOUTH 89'30'18" EAST, A DISTANCE OF 875.39 FEET TO A POINT ON THE EAST LINE OF THE SOUTHEAST QUARTER OF SAID SECTION 35;
  5) THENCE SOUTH 00'29'42" WEST, ALONG SAID EAST LINE, A DISTANCE OF 600.04 FEET TO THE POINT OF BEGINNING.

SAID PARCEL CONTAINS A CALCULATED AREA OF 3,014,791 SQUARE FEET, OR 69.210 ACRES, MORE OR LESS.

- 1. NOTICE: ACCORDING TO COLORADO LAW YOU MUST COMMENCE ANY LEGAL ACTION BASED UPON ANY DEFECT IN THIS SURVEY WITHIN THREE YEARS AFTER YOU FIRST DISCOVER SUCH DEFECT, IN NO EVENT MAY ANY ACTION BASED UPON ANY DEFECT IN THIS SURVEY BE COMMENCED MORE THAN TEN YEARS FROM THE DATE OF THE CERTIFICATION SHOWN HEREON.
- PERSON WHO KNOWINGLY REMOVES, ALTERS OR DEFACES ANY PUBLIC LAND SURVEY MONUMENT, ACCESSORY OR LEGAL LAND BOUNDARY MONUMENT COMMITS A CLASS TWO (2) MISDEMEANOR PURSUANT TO STATE STATUTE 18-4-508, C.R.S.
- 3. THIS SURVEY DOES NOT CONSTITUTE A TITLE SEARCH BY CARROLL & LANGE, INC. TO DETERMINE OWNERSHIP OR EASEMENTS OF RECORD, FOR ALL INFORMATION REGARDING EASEMENTS, RIGHTS-OF-WAY, AND TITLE OF RECORD, CARROLL & LANGE, INC. RELIED UPON THE TITLE COMMITMENT OF RECORD AS NOTED HEREON.
- 4. THIS PLAT WAS PREPARED FOR THE EXCLUSIVE USE OF THE PERSON(S) OR ENTITY(S) NAMED IN THE CERTIFICATE HEREON. SAID CERTIFICATE DOES NOT EXTEND TO ANY UNNAMED PERSON(S) OR ENTITY(S) WITHOUT AN EXPRESS RECTIFICATION BY THE SURVEYOR NAMING SAID PERSON(S) OR ENTITY(S).
- 5. BASED ON A GRAPHICAL REPRESENTATION OF THE FEDERAL EMERGENCY MANAGEMENT AGENCY FLOOD INSURANCE RATE MAP (FIRM) MAP NO. 080266 0863 C WITH AN EFFECTIVE DATE OF SEPTEMBER 28, 1982, THE SUBJECT PROPERTY LIES WITHIN ZONE "C". ZONE "C" IS DEFINED AS "AREAS OF MINIMAL FLOODING".
- 6. BASIS OF BEARINGS: THE EAST LINE OF THE SOUTHEAST QUARTER OF SECTION 35, T2N, R68W, OF THE 6TH P.M. IS ASSUMED TO BEAR NORTH 00'29'42" EAST, WITH THE EAST QUARTER CORNER OF SAID SECTION 35 BEING A 3-1/4" BLM BRASS CAP STAMPED "1952" AND THE SOUTHEAST CORNER OF SAID SECTION 35 BEING A 2-1/4" ALUMINUM CAP STAMPED "LS 13482, 1999" AS SHOWN ON SHEET 2 OF 2.
- 7. DATE OF FIELD WORK: SEPTEMBER, 2008.
- 8. THE :UNDERGROUND UTILITIES, AS SHOWN HEREON, ARE BASED UPON PIN FLAGS AND PAINT MARKINGS PROVIDED BY DIVERSIFIED UNDERGROUND INC. THESE UTILITY LINE LOCATIONS ARE APPROXIMATE AND WITHOUT POTHOLING OF THE LINES THE EXACT LOCATION CAN NOT BE DETERMINED.
- 9. THE LINEAL UNIT USED IN THE PREPARATION OF THIS PLAT IS THE U.S. SURVEY FOOT AS DEFINED BY THE UNITED STATES DEPARTMENT OF COMMERCE, NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY.
- 10. THERE ARE TWO DIFFERENT MONUMENTS THAT ARE OCCASIONALLY USED FOR THE SOUTHEAST CORNER OF SECTION 35. THIS SURVEY ACCEPTS THE  $2-1/2^{\circ}$  ALUMINUM CAP, IN RANGE BOX, THAT WAS SET BY ALLAN FREDENBURG, LS 13482, IN 1999.
- 11. THE EASEMENTS DESCRIBED IN BOOK 1443 AT PAGE 160 (SCHEDULE B2, EXCEPTION NO. 11) DO NOT SPECIFY WHICH MONUMENT WAS USED FOR THE SOUTHEAST CORNER OF SECTION 35. THIS SURVEY HAS RELIED UPON THE "NELSON LANSONS FARM ZONING AMENDMENT MAP", RECORDED AT RECEPTION NO. 3349255 (SCHEDULE B2, EXCEPTION NO. 24), FOR THE LOCATION OF THESE EASEMENTS.
- 12. THE CIRCLES AROUND THE WELLS INDICATE SETBACKS IN ACCORDANCE WITH THE TOWN OF FREDERICK. THEY
  - AS FOLLOWS: 75' RADIUS SETBACK FOR STREETS AND RIGHTS—OF—WAY 150' RADIUS SETBACK FOR LOT LINES 200' RADIUS SETBACK FOR BUILDINGS

  - 350' RADIUS SETBACK FOR BUILDINGS OF ASSEMBLY



# NOTES CONTINUED:

BASED ON A REVIEW OF THE TITLE COMMITMENT AS NOTED HEREON, THE FOLLOWING SELECTED SCHEDULE B-2 EXCEPTIONS ARE NOTED, WITH SURVEYOR COMMENTS IN AN ITALIC TEXT STYLE:

EXCEPTION NO. 9: RIGHT OF WAY FOR COUNTY ROADS 30 FEET ON EITHER SIDE OF SECTION AND TOWNSHIP LINES, AS ESTRABLISHED BY THE BOARD OF COUNTY COMMISSIONERS FOR WELD COUNTY, RECORDED OCTOBER 14, 1889 IN BOOK 86 AT PAGE 273. — AS SHOWN.

EXCEPTION NO. 10: RESERVATION OF RIGHT OF WAY BY THE DENVER PACIFIC RAILWAY AND TELEGRAPH CO. AS CONTAINED IN INSTRUMENT RECORDED DECEMBER 6, 1875 IN BOOK 12 AT PAGE 360, AND ANY INTERESTS THEREIN, ASSIGNMENTS OR CONVEYANCES THEREOF. — SUBJECT PROPERTY IS LOCATED WITHIN THE LANDS REFERENCED BY THIS DOCUMENT — NOT PLOTTED.

EXCEPTION NO. 11: EASEMENT GRANTED TO NORTHERN COLORADO WATER CONSERVANCY DISTRICT, FOR CANAL PURPOSES, AND INCIDENTAL PURPOSES, BY INSTRUMENT RECORRED FEBRUARY 20, 1956, IN BOOK 1443 AT PAGE 160, SAID EASEMENT BEING A PERPETUAL EASEMENT AND RIGHT OF WAY TO RECONSTRUCT THE NOW EXISTING LOWER BOULDER IRRIGATION CANAL AND TO CONSTRUCT, OPERATE AND MAINTAIN THE SOUTH PLATTE SUPPLY CANAL, INCLUDING THE RIGHT TO BORROW FROM OR FILL, ON, OVER AND ACROSS THE PROPERTY IN SAID INSTRUMENT. - TRACT "B", TRACT "C" AND TRACT "B" ARE AS SHOWN.

EXCEPTION NO. 12: EASEMENT GRANTED TO FOOTHILLS WATER USERS ASSOCIATION, FOR WATER PIPELINE, AND INCIDENTAL PURPOSES, BY RICHT OF WAY EASEMENT AND AGREEMENT RECORDED MAY 02, 1962, IN BOOK 1613 AT PAGE 332. - NOT LOCATED WITHIN THE SUBJECT PROPERTY.

EXCEPTION NO. 13: EASEMENT GRANTED TO FOOTHILLS WATER USERS ASSOCIATION, FOR WATER PIPELINE, AND INCIDENTAL PURPOSES, BY RIGHT OF WAY EASEMENT AND ACREEMENT RECORDED MAY 07, 1962, IN BOOK 1613 AT PAGE 560. - NOT LOCATED WITHIN THE SUBJECT PROPERTY.

EXCEPTION NO. 14: OIL AND GAS LEASE FROM LANSONS FARM, A PARTNERSHIP COMPOSED OF DAVE P. NELSON AND KENT P. NELSON TO RAY O. BROWNLIE, RECORDED FEBRUARY 9, 1971 AS RECEPTION NO. 1561991, AND ANY INTERESTS THEREIN, ASSIGNMENTS OR CONVEYANCES THEREOF, SAID LEASE EXTENDED BY AFFIDAVIT OF PRODUCTION RECORDED DECEMBER 31, 1973 IN BOOK 705 AS RECEPTION NO. 1627430 AND AFFIDAVIT OF LEASE EXTENSION RECORDED MARCH 12, 1976 IN BOOK 761 AS RECEPTION NO. 1683306. NOTE: THERE IS A DOCUMENT OF RECORD ENTITLED RELEASE RECORDED JULY 2, 1975 IN BOOK 742 AS RECEPTION NO. 1664159 WHICH APPEARS TO CHANGE AND RELEASE CERTAIN THINGS IN CONNECTION WITH THE ABOVE DESCRIBED LEASE. — NOT ADDRESSED BY THIS SURVEY.

EXCEPTION NO. 15: MINERAL DEED FROM LANSONS FARM, A PARTNERSHIP TO DAVID P. NELSON AND KENT P. NELSON, TRUSTEES CONVEYING AN UNDIVIDED 1/3 OF THE OIL, GAS AND OTHER MINERALS IN AND UNDER THE SUBJECT PROPERTY RECORDED JANUARY 30, 1974 AS RECEPTION NO. 1829287, TOGETHER WITH THE RIGHT OF INGRESS AND EGRESS AT ALL TIMES FOR THE PURPOSE OF MINING, DRILLING AND EXPLORING SAID LANDS FOR OIL, GAS, AND OTHER MINERALS AND REMOVING THE SAME THEREFOR, AND ANY INTERESTS THEREIN, ASSIGNMENTS OR CONVEYANCES THEREOF. — NOT ADDRESSED BY THIS SURVEY.

EXCEPTION NO. 16: EASEMENT GRANTED TO AMOCO PRODUCTION COMPANY, A DELAWARE CORPORATION, FOR PIPELINE, AND INCIDENTAL PURPOSES, BY RIGHT OF WAY EASEMENT AND AGREEMENT RECORDED APRIL 04, 1975, UNDER RECEPTION NO. 1657491. — AS SHOWN.

EXCEPTION NO. 17: EXCEPTION OF ALL MINERALS AS CONTAINED IN DEED RECORDED JULY 13, 1998 UNDER RECEPTION NO.'S 2625662 AND 2625663, AND DEED RECORDED AUGUST 25, 2000 UNDER RECEPTION NO. 2789571. - NOT ADDRESSED BY THIS SURVEY.

EXCEPTION NO. 18: TERMS, CONDITIONS AND PROVISIONS OF AGREEMENT FOR POSSESSION AND USE RECORDED AUGUST 20, 2001 AT RECEPTION NO. 2876241. — AS SHOWN.

EXCEPTION NO. 19: TERMS, CONDITIONS AND PROVISIONS OF ORDINANCE NO. 552 RECORDED JANUARY 25, 2002 AT RECEPTION NO. 2919757. — SUBJECT PROPERTY IS PARTIALLY LOCATED WITHIN THE LANDS REFERENCED BY THIS DOCUMENT — NOT PLOTTED.

**EXCEPTION NO. 20:** EASEMENT GRANTED TO ST. VRAIN SANITATION DISTRICT, FOR SANITARY SEWER LINES, AND INCIDENTAL PURPOSES, BY NON-EXCLUSIVE UTILITY EASEMENT AGREEMENT RECORDED AUGUST 12, 2002, UNDER RECEPTION NO. 2977207, AND THE TERMS AND CONDITIONS CONTAINED THEREIN. —  $\Delta S$ 

### NOTES CONTINUED:

EXCEPTION NO. 21: EASEMENT GRANTED TO TRI-STATE GENERATION AND TRANSMISSION ASSOCIATION, INC., FOR ELECTRICAL TRANSMISSION AND DISTRIBUTION LINE, AND INCIDENTAL PURPOSES, BY EASEMENT RECORDED MAY 14, 2003, UNDER RECEPTION NO. 3062584, AND THE TERMS AND CONDITIONS CONTAINED THEREIN. — AS SHOWN.

EXCEPTION NO. 22: TERMS, CONDITIONS AND PROVISIONS OF ANNEXATION AGREEMENT RECORDED OCTOBER 02, 2003 AT RECEPTION NO. 3112596. - NOT ADDRESSED BY THIS SURVEY.

EXCEPTION NO. 23: EASEMENTS, CONDITIONS, COVENANTS, RESTRICTIONS, RESERVATIONS AND NOTES ON THE PLAT OF NELSON ANNEXATION RECORDED NOVEMBER 19, 2003 AT RECEPTION NO. 3127863, — AS SHOWN.

EXCEPTION NO. 24: TERMS, CONDITIONS AND PROVISIONS OF ZONING MAP RECORDED DECEMBER 21, 2005 AT RECEPTION NO. 3349255. — AS SHOWN.

# AREAS OF CONCERN (AOC)

THE FOLLOWING MATTERS WHICH MAY AFFECT THE STATUS OF TITLE TO THE SURVEYED PROPERTY ARE NOTED BY CARROLL & LANGE, INC. FOR THE BENEFIT OF THE PARTY REQUESTING THE SURVEY. CARROLL & LANGE, INC. AND THE SURVEYOR OF RECORD DO NOT WARRANT OR REPRESENT THAT ALL MATTERS THAT MAY AFFECT TITLE ARE NOTED BELOW. THE NUMBERS IN THE FOLLOWING COMMENTS CORRESPOND TO THE NUMBERS SHOWN ON THIS SURVEY.

1. EXCEPTION NO. 9 OF THE TITLE COMMITMENT NOTED HEREON DESCRIBES RIGHTS-OF-WAYS FOR COUNTY ROADS 30 FEET ON EITHER SIDE OF SECTION AND TOWNSHIP LINES, AS ESTABLISHED BY THE BOARD OF COUNTY COMMISSIONERS FOR WELD COUNTY, RECORDED OCTOBER 14, 1889, IN BOOK 86 AT PAGE 273. ACCORDING TO THE WELD COUNTY ATTORNEY, IT IS WELD COUNTY'S OPINION THAT SAID DOCUMENT DIOT DEDICATE RIGHTS-OF-WAY, BUT INSTEAD, RESERVED THE LAND FOR FUTURE DEDICATION. IT IS WELD COUNTY'S OPINION THAT THE FEE OWNERSHIP IN THE LAND UNDERLYING EXISTING ROADS REMAINS WITH THE OWNER, AND WHEN CADDWAYS DO EXIST, THERE ARE ROADWAY USE EASEMENTS OR POSSIBLY "PRESCRIPTIVE RIGHTS". THERE ARE NO KNOWN DOCUMENTS OF RECORD THAT CREATE RIGHT-OF-WAY FOR WELD COUNTY ROADS NO. 11, CREATING AN AREA OF CONCERN.

# SURVEYOR'S CERTIFICATE

THIS IS TO CERTIFY TO LONGMONT UNITED HOSPITAL, INC. A COLORADO NON-PROFIT CORPORATION, DAVID P. NELSON FAMILY LIMITED PARTNERSHIP, LLLLP., A COLORADO LIMITED LIABILITY LIMITED PARTNERSHIP, KENT P. NELSON FAMILY LIMITED PARTNERSHIP, LLLLP., A COLORADO LIMITED LIABILITY LIMITED PARTNERSHIP, CAROL N. NELSON FAMILY LIMITED PARTNERSHIP, LLLLP., A COLORADO LIMITED LIABILITY LIMITED PARTNERSHIP, AND LAND TITLE GUARANTEE COMPANY THAT THIS MAP OR PLAT AND THE SURVEY ON MICH IT IS BASED WERE MADE IN ACCORDANCE WITH "MINIMUM STANDARD DETAIL REQUIREMENTS FOR ALTA/CASM LAND TITLE SURVEYS, JOINTLY ESTABLISHED AND ADOPTED BY ALTA AND NSPS IN 2005, AND INCLUDES ITEMS 1, 2, 3, 4, 7(A), 8, 9, 10, 11(B), 14 OF TABLE A THEREOF. PURSUANT TO THE ACCURACY STANDARDS AS ADOPTED BY ALTA AND NSPS AND IN EFFECT ON THE DATE OF THIS CERTIFICATION, THE UNDERSIGNED FURTHER CERTIFIES THAT IN MY PROFESSIONAL OPINION, AS A LAND SURVEYOR REGISTERED IN THE STATE OF COLORADO, THE RELATIVE POSITIONAL ACCURACY OF THIS SURVEY DOES NOT EXCEED THAT WHICH IS SPECIFIED THEREIN.



COUNTY SURVEYOR'S CERTIFICATE							
DEPOSITED THIS DAY OF	, 20, AT	M., IN BOOK					
OF THE COUNTY SURVEYOR'S LAND SUR	VEY PLAT / RIGHT-OF-WAY SURVEYS	AT PAGE					
RECEPTION NO.							
	COUNTY SURVEYOR						

PREPARED WITH THE BENEFIT OF LAND TITLE GUARANTEE COMPANY. FILE NUMBER 25084255, EFFECTIVE DATE AUGUST 29, 2008 AT 5:00PM

				Carroll & Lange § Polestient Engineer 6. Land Sumpres 105 South Union Blud, Sulte 156 Lakewood, Colonade 80428 (30) 900-40200			
			士	PROJECT: FRED	erick - Section 35	- PARCEL A	
3			⊢	TITLE: ALTA/ACSM LAND TITLE SURVEY			
2			士	DESIGNED BY:	SCALE: NONE	SHEET 1 OF 2	
1			$\Box$	DRAWN BY: JGB	SCALE: NONE	JOB NO. 4388	
NO.	REVISIONS	DATE	BY	CHECKED BY: WOR	DATE: 09/23/08	FILE NO. ALTA	

